GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Prohibition & Excise Department - Allegation of corruption against Sri M. Subash Chandra Bose, Assistant Prohibition & Excise Superintendent, Srikakulam and 2 other P&E personnel - Trapped on 18.11.2003 – Prosecuted in a court of Law – Acquitted by the ACB Court, Visakhapatnam – Criminal appeal before the Hon'ble High Court of AP - Criminal appeal dismissed - Further action dropped - Orders – Issued.

REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.Rt.No.769 Dated:22-08-2023,
Read the following:

1. From the DG, ACB, Letter Rc. No. 260/RCT-VSK/2003-S.12. Dt: 12.3.2004.
2. G.O.Ms.No.803,804 & 805 Rev. (Vigilance-V) Dept. Dt:13.10.2004.
3. Procs Cr.No. 43/03/C.PE/SR.1, Dt:18.3.2005 of the Commr.P&E, Hyderabad.
4. Judgment of Spl, Judge for ACB Cases, Visakhapatnam dt:30.9.2009 in C No. 1 of 2005.
5. From the DG, ACB, Letter Rc.No. 260/RCT-VSK/2003, Dt:2.1.2010.
6. Govt. Memo No. 48330/Vig.V(2)/2003-21, Revenue (Vig.V) Dept. Dt:25.1.2010.
7. APAT orders dt.11.8.2010 in O.A.No. 5294/2010 filed by Sri M.Subhash Chandra Bose, Asst.Proh. & Excise Supdt. (Retd.)
8. Govt. Memo No.48330/Vig.V(2)/2003-29, Rev. (Vig.V) Dept. Dt:22.12.2010.
9. High Court of AP Judgement dt:31.01.2011 in W.P.No.595 of 2011field by the Government
10. G.O.Rt.No.234, Revenue (Vigilance-V) Department, dated:22.02.2011.
11. Representation dated: 05.05.2023 along with a copy of orders of Hon'ble High Court in Criminal Appeal No.305 of 2011 received from Sri M.Subhash Chandra Bose, Asst. P&E Supt., (Retd) and another representation dated 26.06.2023.

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ORDER:

Whereas in the reference 1st read above, it was brought to the notice of Government that a case in Cr.No. 14/RC-ACB/VZM/2003 under P.C.Act, 1988 was registered against Sri Mandava Subash Chandra Bose, then Asst. P&E.Supdt., Srikakulam and 2 other P&E personnel. The trap was laid on 18.11.2003, one Sri E.Govinda Rao, a private person was caught when he accepted illegal gratification of Rs.20,000/- from the complainant on behalf of Sri M.Subhash Chandra Bose, AP&ES, Srikakulam and 2 other P&E personnel.

2. And whereas, the DG, ACB among other recommendations, have recommended the Government to accord sanction to prosecute Sri Mandava Subash Chandra Bose and 2 other P&E personnel including private person in a court of Law. Government after careful examination of the matter, accorded sanction of prosecution against Sri Mandava Subash Chandra Bose and 2 other P&E personnel vide reference 2nd read above.

(P.T.O)

3. Whereas Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent was placed under suspension vide reference 3rd read above, Later, Sri M. Subhash Chadra Bose, Assistant Prohibition & Excise Superintendent retired from service on superannuation on 31.12.2005, while continuing under suspension.

4. And whereas in the reference 4th read above, the Special Judge for ACB Cases Visakhapatnam held that Sri M Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent and others are not guilty of the charges and acquitted them. Whereas based on the opinion of the DG, ACB in the reference 5th read above, Government permitted that ACB to file an appeal in the Hon'ble High Court against the acquittal judgment of Special Judge for ACB Cases Visakhapatnam in C.C.No.1 of 2005, dt.30.09.2009 vide reference 6th read above. Accordingly, a Criminal Appeal was filed on 30.4.2010.

5. Consequent to his acquittal, by the ACB Court, Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) approached the A.P. Administrative Tribunal and filed OA No. 5294 of 2010. The A.P Administrative Tribunal in their orders dt:11.8.2011, while disposing off the OA, have directed the authorities concerned to release all pensionery benefits including DCRG and treat the suspension period of the applicant from 20.3.2005 to 31.12.2005 as "on duty". The Hon'ble Tribunal has also directed to fix the pay of the individual by applying the Revised Pay Scales and release the same with arrears in respect of the applicant.

6. Government, after examination of the matter and keeping in view the pendency of Criminal Appeal in the High Court of A.P against the trial court judgment, decided to contest the judgment of the Hon'ble A.P Administrative Tribunal before the Hon'ble High Court by way of filing a writ appeal. Accordingly, filed a W.P.No. 595 of 2010 before the Hon'ble High Court of A.P against the orders of A.P. Administrative Tribunal dt 11.8.2010 in OA.No. 5294/2010.

7. Whereas in the reference 9th read above, the High Court of A.P delivered judgment in W.P.No.595 of 2010 and modified the orders of A.P Administrative Tribunal and directed the petitioner (Government) to regularize the services of the first respondent viz, Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd.) for the period of suspension w.e.f. 20.3.2005 to 31.12.2005 and pass appropriate orders within a period of four weeks from the date of delivery of their judgment.

8. Government after examination of the matter and keeping in view of the direction of the Hon'ble High Court, the suspension period from 20.03.2005 to 31.12.2005 of Sri M. Subhash Chandra Bose, Assistant Prohibition & Excise Superintendent (Retd) was regularized as "on duty" under FR 54 vide reference 10th read above.

9. Whereas, in the reference 11th read above, Sri M.Subhash Chandra Bose, Rtd.Asst. P&E Supdt., while enclosing a copy of orders dated 29.03.2023 of Hon'ble High Court of AP in Criminal Appeal No.305 of 2011 has stated that the criminal appeal filed by the ACB has been dismissed by the Hon'ble Court and requested to drop further action against him and release pensionary benefits to him.

(Contd.)

10. And whereas the Hon'ble High Court in its orders dated 29.03.2023, in Criminal Appeal No.305 of 2011, held that there is no convincing evidence adduced by the prosecution to prove the charges against the AOs and dismissed the appeal. The Hon'ble High Court abated the appeal filed against the AO.2 Sri Chekka Sreeramulu, P&E Inspector in the case, as he died.

11. Government after careful examination of the matter and keeping in view of the orders dated 29.03.2023 of Hon'ble High Court in Criminal Appeal No.305 of 2011 and after considering the opinion of the advisory department have decided to drop further action against Sri M.Subhash Chandra Bose, Asst.P&E Sudpt.,(Retired) and to release all pensionery benefits to Sri M.Subhash Chandra Bose, Asst.P&E Sudpt.,(Retired) as the criminal appeal field against him was dismissed by the Hon'ble Court.

12. Accordingly, Government hereby order to drop further action against Sri Mandava Subhash Chandra Bose, Asst.P&E Sudpt.,(Retired) and to release all pensionery benefits to Sri Mandava Subhash Chandra Bose, Asst.P&E Sudpt.,(Retired) .

13. The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To,
Sri Mandava Subhash Chandra Bose, Retd P&E AP&ES (through the Commissioner of P&E, AP, Vijayawada)
The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Director General, Anti Corruption Bureau, AP, Vijayawada.
The Secretary , A.P, Vigilance Commission, AP Secretariat, Velagapudi.
Sf/Sc

// FORWARDED::BY ORDER//

SECTION OFFICER